

Client Development: D.U.I., Criminal: Family: Social Security Disability

I am trying to establish a D.U.I., Criminal, Family, and Social Security law practice in the Northwest suburbs of Chicago on a very low budget. Does anyone have any advice on marketing and client development?

Yes. Family law: visit all the local hair salons you can find. Amazing what you will learn. DUI: visit all the local bars you can find. talk to the bartenders/staff. Ditto for low end criminal work. go into the back areas of restaurants. Lot of the wait staff will have problems or know people who have problems.

Hope this helps.

Almost forgot: if you are near a college/university, visit the sororities/fraternities for DUIs and offer speeches/talks on how to stay out of trouble.

David Kaufman, Florida

Nothing specific to your practice areas or geographic area but I do have something for you to think about:

I've mentioned this before; but not recently (like the past several years).

I believe in the ecological theory of law practice; it's a lot easier to get clients in an 'unfilled niche' rather than shoehorn yourself into an existing niche that is already occupied or over occupied.

If there already are 50 lawyers doing the exact same thing you are doing, in the same geographic area, why should anyone hire you, as the 51st lawyer doing the same dang thing? Like it or not, at least in the public view, lawyers are pretty fungible; one lawyer is pretty much the same as any other. It's really tough to shoehorn yourself into an already crowded niche. What usually happens is, the 'new' lawyer decides to compete on price, cut their rates and do it 'cheaper'. You can get clients that way; the problem is they're cheap clients and you make very little money. You're in competition with better established, better funded, more experienced law firms. It is really, really, tough (not impossible, but tough) to get your foot in the door.

A somewhat more sophisticated plan is to figure out what unfilled, unserved, or underserved niches there are. Two examples from my own practice:

1) when I started out, I made a modest amount of money; certainly not a ton of it, but enough money to justify my doing it, doing "consumer law"; in my case it was FDCPA law. Without going into the details, and if you are interested take a look at NCLC materials here: <https://www.nclc.org/>

Basically I dinged debt collectors; I'd have client basically taunt them into violating FDCPA, then I'd nail them; statutory damages for client, automatic attorney fees for me; and I handled several dozen cases over the years; nearly all the time all I had to do was send demand letter (my client

notified you that you were not to contact him; you contacted him once, and then contacted him again; the second contact violated FDCPA; here's copy of letter my client sent you; here's copy of green card showing delivery date to you, here's copy of first, permitted letter, you sent him; note that the date is after you received stop letter; and here's copy of second letter; you owe my client \$1000, and you owe me \$XXXX for attorney fees; failure to settle this within X days will result in my filing suit under FDCPA) and usually, it's like, OK, here's a release, get client to send release, and where do we send a check. To paraphrase the Marines, "hunting debt collectors is fun and easy". FWIW the ONLY time I had to file suit was where the debt collector was an actual attorney here in Florida; once I filed suit, served him along with BOATLOAD of discovery, (requests for admissions, requests to produce, interrogos) he settled PDQ, paid my client, paid my costs and paid my (considerably increased) fees.

I was also doing Ch 7 Bankruptcies at the time, so it was a good fit; and very few attorneys at least at the time and in my location were doing ANY sort of Consumer Law; there was one guy in Ocala but he shut his office and moved when he got married; I kind of lost interest in it when my Estate and Probate started taking off; but I'll still do this once in a while. And my Consumer Law background has come in VERY handy from time to time; After the 08 collapse of the Real Estate market I kind of ramped things up again defending foreclosures; and made some money off of that for a couple of years (EP and Probate kind of collapsed for a while there, no one had any money and most people were underwater on their mortgages; no one is going to hire you to probate a house where the mortgage is more than the house is worth); plus, Florida's Deceptive and Unfair Trade Practices Act, which I learned about in my consumer law era, has come in VERY handy in several Contract cases; and very, very few Florida attorneys are cognizant of this. You bring it up, show them the caselaw, and it's like "Oh Fudge, we better settle". Point is, I found an underserved niche and filled it.

And there are people on this list, or formerly on this list, who make decent to good money doing Consumer Law: Wendell Finner for one, and Amy Clark, as well.

2) Geography. Most lawyers like to be near the courthouse; I get that. it's convenient (for the lawyer); it's where other lawyers are. Lawyers frequently have a herd mentality; if 50 other lawyers are doing it then I'll do it. However, it isn't necessarily convenient for the client. In my case we've got a giant, enormous, Mega Retirement community, The Villages, that extends across three counties. However, in all three counties, the county seat is some distance from the Villages; they're all 30-45 minutes away depending on where you are. And very few lawyers had offices, even satellite offices, very near the retirement community. Guess where I located my office? about 2 miles from the northern edge of the retirement community. Given a choice between driving 45 minutes or 10 minutes, guess which many potential clients would rather do? Come and see me. I've made a point of directing my marketing to that retirement community. It's deliberate strategy. As I've said in the past, I subscribe to the Willie Sutton School of law office location: I locate my law office where I do because that's where the clients are.

I'm not telling you to do consumer law; I'm not telling you where to locate your law office (but I will give a hint; more convenient to clients beats less convenient to clients) but you need to think about exactly WHAT distinguishes YOU from the other 25 or 50 or 200 or whatever lawyers in your area

doing the exact same thing. Or find something that 50 other lawyers are NOT doing. Think long and hard about location and practice areas.

Ronald Jones, Florida

David, that's good advice regarding bars and restaurants. However, how do you suggest introducing oneself as a DUI/criminal defense attorney to them?

Most of the time when I tell people what I do for work, they reply with revulsion and say something like "Oh dear heavens, I shall not ever need a lawyer like you, I am a perfect citizen."

Jason T. Komninos, New Jersey

First step is to avoid the kind of bars where people say "oh dear heavens."

Look for places that have bars over the windows or a wise guy out front keeping a lookout. Be polite, don't run your mouth too much, leave a nice tip and a few business cards.

Duke Drouillard, Nebraska

People who tend to say "Oh dear heavens" can afford my fees :)

Jason T. Komninos

That is funny :)

Martha Jo Patterson

Regarding conventional lawyer business cards, most have no information on the back side of the card.

I have no canned terms to include on the back side. Terms for the back side can be tailored to your practice concentration(s).

Rob Robertson, Texas

Four major practice areas as a solo?

For starters, I'd pick one.

Nick A. Ortiz, Florida

I'm going to address several points raised by other people:

First, yes; have a two sided card; practice area might determine what info; I have 2 sided card and it has my pic on back. I get them from Moo.com; they are quite pricey but if you check local printer odds are you can get them for less.

Second, yes, four practice areas sounds like a lot; though dui/crim is really one; family law is kind of related to crim and it's not unusual for attorneys to handle both; SS practice, I don't know much about but it strikes me as a 'mill' type, i.e, you don't make much off any particular case but need a lot of them, as well as some automation and staff; but I don't know that for a fact. Might be tough for a solo.

Third, Website and blog. And by website and blog I don't mean generic "Hi I'm Joe blow and I fight for your rights in court". I mean, well written posts to gain clients; that address specific client questions and will get them to contact you. Check out my blog at <http://flawyer.us/ProbateThoughts> [http://flawyer.us/ProbateThoughts/hi-my-name-is-ronald-jones-im-an-attorney-in-summerfield-florida-near-the-villages-just-a-tiny-bit-about-me-i-was-born-in-philadelphia-raised-in-mt-laurel-new-jersey-and-moved-to-lady-l]

I'm not going to go into detail here but I think too many lawyers have too generic blog posts. Clients have specific questions; if you tailor your posts to those questions you will get hits and clients.

Ronald Jones

Hi Nick,

I'd be interested in learning whether it is the number of practice areas for a new solo or the distribution that you object to. I agree, to a point, for a variety of reasons. For example, I see that you practice long-term disability, social security disability, and personal injury. I can see how those areas could feed each other and be similar in practice. I imagine that the question I would have for a new attorney seeking to host a similar practice would be whether they should start off more transactional than litigation based to limit the breadth of knowledge required. It is easier to add to an established knowledge base. But I look to you for that answer as I have only performed social security disability claims, not your other two practice areas.

I have run across a lot of solos who start out with criminal (appointments-based at first to get their feet wet) and either family law or personal injury. Family law is hourly work and personal injury is contingency, so the size of personal injury cases would likely be small settlements without court involvement for a start. Again, only my opinion because I have done family law but not personal injury.

The issue I had with social security disability work was, in my opinion, the government's attitude towards payment based on economic conditions (e.g., Medicare and Social Security funding). Marketing was interesting. I found some advertising hit the friends, family, or individuals in need of

services. But there is, apparently, a huge sector of homeless or others in need who may well be lacking either the employment history or medical service history for a decent SSDI claim. Again, I cede to your expertise there.

A new lawyer who wants to do criminal law has a lot to learn. That training comes with court-appointed cases and training seminars across the board. Specializing in DUI is, in my opinion, not a good idea. One first needs to learn the workings of the criminal justice system, the rules of evidence and procedure in their jurisdiction. DUI is a specialty after one knows the basics.

As for the viability of a DUI practice, and to a degree PI, some say that work will be diminishing in the future if autonomous vehicles become a reality. Will you be investing a young career learning curve in a dying area (e.g., bookbinding)?

In my opinion, PI is a huge area. Why not focus on something (i.e., niche) like childhood injuries (of which there are a lot of variety), dog bites, or car accidents? Premises liability? I look to you on that one. Medical malpractice? Again, I look to you for an opinion.

A criminal practice affords a training base and a source of clientele for the new lawyer. Either family law or PI or social security disability would provide a second source of work. But I would be looking to something that could keep the doors open (family law) rather than contingency fee work for which payment is a year or more away (if it pans out). There is a learning curve for opting to take or reject contingency fee work. Finally, a lot of criminal attorneys likely do either family law or PI so networking can be helpful in the learning curve. Do you even want to do it?

Thoughts?

William M. Driscoll, Massachusetts

I've done PI work. I know a lot of attorneys aspire to PI work. I no longer 'do' PI work; what I do is, I refer the stuff out to a local attorney who pays me a referral fee. Let him do the work; let him be competent in the area, let him take the risk; I make money off of it. Not as much as he does but I also do a heck of a lot less work on the cases than he does. IF your JDx allows referral fees; I'd hook up with good PI attorney who pays referral fees.

Ronald Jones

Hi Ronald,

Interesting. Know enough about PI to earn a referral fee (e.g., initial case intake) and hand it off. If allowed in the jurisdiction that can be a solid revenue stream without the need to bankroll the case on contingency. In the meantime the lawyer is learning more about PI, particularly how to measure the "value" and needs of a contingency fee case, without the need to jump in and "do it all."

I believe family law is a popular second practice area for criminal attorneys because both offer a lot of litigation opportunity and share the rules of evidence. There is no replacement for face time learning in front of a judge. I view, correct me if I am wrong, PI as a desk job with rare court

appearances. How many solos really litigate PI cases? I know a guy that is processing around 100+ PI cases for negotiated settlements at any one time. If the case needs litigation then he refers it out to a litigator. That works well for him.

William M. Driscoll

Duke (as usual) has a good point. But "O Dear Heavens" [ODH} people have friends, children, acquaintances re DuI/criminal. think sons and #metoo.

Also, ODH get a lot of divorces and domestic violence issues.

David Kaufman

Don't sleep on Google Ads, but do your research and as has been said, find a niche. I found an amazing marketing niche (not a practice niche) that has been great for me, and I went all in (for me) on Google Ads. I spend about 3k a month on Google Ads, and get probably ten to fifteen Chapter 7 bankruptcies a month. Before I was averaging maybe one or two bankruptcies.

It allowed me to cut out things I didn't particularly enjoy like traveling all over the state, and family law.

Seth Crosland, Texas

"Take one for your friends or contacts."

Darrell G. Stewart, Texas

I will second the hair salon part....the place where I get my haircut has sent me probably 5 clients over the past few years.

Bobby Lott, Jr., Alabama

On a somewhat tangential point....

Way back when I was in Law School, the mother of one of my roommates was on the "Board" (might have been an advisory Board—I'm not sure) of what was then called the Texas Department of Mental Health and Mental Retardation. She started a program to teach people to recognize signs of depression and other mental health issues, and refer people expressing signs of those issues to free or low-cost service providers.

Her focus at that time was on two groups—bartenders and hairdressers—because she said those were the people who were most likely to hear stories/complaints from patrons. People open up to those two groups about their issues.

As a result, I think David's advice is good. If only a small portion of the bartenders and hairdressers in your area make referrals to you, you could do well.

Brian H. Cole, California

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We focus on LTD cases now. Hardly do any PI. SSA is getting smaller and smaller - even though I am board certified in it. I think one practice area allows one to be seen as more of a specialist and likely to increase conversions of potential clients.

"In my opinion, PI is a huge area. Why not focus on something (i.e., niche) like childhood injuries (of which there are a lot of variety), dog bites, or car accidents? Premises liability? I look to you on that one.

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If I were to really go after PI, I'd focus on a sub-area like motorcycle accidents or bicycle accidents. At this point, we are walking away from this type of work.

Nick A. Ortiz